IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE K.PADMANABHAN NAIR

MONDAY, THE 18TH DECEMBER 2006 / 27TH AGRAHAYANA 1928

WP(Crl.).No. 271 of 2006(S)

PETITIONER:

ASSAN M.T., MUTTUMTHALAKKAL HOUSE,
KAPPAD P.O., KOZHIKODE DISTRICT,
KERALA.

BY ADV. SRI.P.SANJAY
SRI.M.MUHAMMED SHAFI

RESPONDENTS:
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1. THE SECRETARY,
DEPARTMENT OF HOME,
GOVT. OF KERALA, SECRETARIAT,
THIRUVANANTHAPURAM.

2. THE CHIEF SECRETARY,
GOVT. OF KARNATAKA, SECRETARIAT,
BANGALORE, KARNATAKA.

3. THE DIRECTOR GENERAL OF POLICE,
KERALA POLICE, THIRUVANANTHAPURAM.

4. THE DIRECTOR GENERAL OF POLICE,
KARNATAKA POLICE, BANGALORE,
KARNATAKA.

5. CITY POLICE COMMISSIONER,
KOZHIKODE, KERALA.

BY GOVT.PLEADER SRI.V.K.MOHANAN
ADDL.P.P.SRI.V.K.MOHANAN

THIS WRIT PETITION (CRIMINAL) HAVING BEEN FINALLY HEARD ON 18/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

J.B.KOSHY & K.PADMANABHAN NAIR, JJ.

W.P.(Crl.).NO.271 OF 2006 (S)

Dated this the 18th day of December, 2006

J U D G M E N T

KOSHY,J.

This is a petition of Habeas Corpus alleging that police has illegally taken custody of petitioner's younger son Rafeeq. A statement was filed on behalf of the respondents that he was not arrested by the police and no case has been registered against the alleged detenue. In the above circumstances, if the petitioner file a complaint before the police, case should be registered for man missing. Police shall conduct proper investigation. With the above observations this writ petition is disposed of.

J.B.KOSHY, JUDGE

K.PADMANABHAN NAIR, JUDGE

prp

J.B.KOSHY & K.PADMANABHAN NAIR, JJ.

O.P.NO. OF 2006 ()

J U D G M E N T

17th November, 2006